

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of:

Applications for Public Safety Pool
(Conventional) Licenses for Mobile
Use of ReconRobotics Video and
Audio Surveillance Systems on
430-448 MHz.

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File No.s 0004270113, et al.,

To the Commission:

REPLY

Comes now the Petitioner, JAMES EDWIN WHEDBEE, respectfully replying to the Oppositions filed by ReconRobotics by and through counsel as follows, in more or less reverse order.

[1] REJECTION OF COUNSEL'S REQUEST THAT PETITIONER BE 'CAUTIONED.'

Counsel for ReconRobotics asks the Commission to caution the undersigned. Petitioner is well aware of Sections 1.17 and 1.52 of the Commission's rules and has been well aware of those since before Mr. Lazarus started practicing. It is he who should be cautioned for deliberately asserting, as fact, that 100 kiloHertz is the appropriate bandwidth for Recon Scout devices using NTSC motion picture video when a broadcast engineer (SBE #26971) has informed the Commission and Mr. Lazarus both of the impossibility of such an emission. Aside from that, the allegations Petitioner puts forth are specifically intended to mitigate harm already done by Mr. Lazarus and the Commission, for reasons which immediately follow.

It is a crime to violate the Communications Act, as amended. Because operating a transmitter with a license for a narrower bandwidth than the transmitter can generate is a crime, any evidence the transmitter (i.e., the Recon Scout devices) gathers is thereby tainted. Since evidence these devices

collect could be used in a criminal case, and because that evidence has a direct bearing on the freedoms and liberties of accused criminal defendants, the civil rights of that accused defendant are implicated and therefore, 18 USC 241-242, is implicated. When the Commission licenses a police department to operate wireless surveillance equipment with a narrower bandwidth than the licensed transmitter can generate, the Commission condones tainted evidence being admitted into criminal court proceedings, and if Petitioner failed to point this out, the Petitioner himself would be guilty of the crime of misprision of a felony. In short, Petitioner was duty-bound to so inform Mr. Lazarus and the Commission. Accordingly, even if Petitioner was a licensed attorney practicing before the Commission, there is no basis for the Commission to caution, warn, admonish, or otherwise look down upon the actions of this Petitioner, as those are – however informally put – entirely appropriate.

[2] R.F. EMISSION DESIGNATIONS FOR N.T.S.C. VIDEO. Petitioner and ARRL are both correct about Recon Scout devices using far more bandwidth than the 100 kHz to which those are licensed. Petitioner has already suggested to counsel for ARRL, Mr. Chris Imlay, that we might wish to get a simple spectrum analyzer and a Recon Scout device and sit down and demonstrate this physical fact. That said, there is mathematical proof as well, which follows. Mr. Lazarus asserts on behalf of ReconRobotics that his Recon Scout devices have a 30 frame per second rate, but that's not entirely accurate – it is 29.97 frames per second interlaced. Multiplying this rate times the number of lines per frame arrives at the fundamental frequency of the video information...in traditional black-and-white NTSC, it is 525 lines per frame or 15.374 kHz for the fundamental frequency. This means video information is contained within the vestigial sideband every 15.374 kHz away from the carrier frequency. This extends several harmonics away from the initial 15.374 kHz. Video quality is lost if the sidebands are suppressed too much; accordingly, there is a vestigial sideband (hence the C3F emission designator) at least 286 times wider than the fundamental 15.374 kHz frequency. This also explains the placement of the audio subcarrier (or in ReconRobotics' case, the control signal) 4.5 MHz

from the visual carrier. There is no attempt on the parts of ARRL or this Petitioner to confuse these proceedings at all: the laws of physics do not allow ReconRobotics' statements, through Mr. Lazarus or otherwise, to be true, as it is mathematically impossible for a video signal to survive the impairment of its information by narrowing it to a 100 kHz bandwidth. Mr. Imlay is correct: what would emerge from the transmitter would be an incomprehensible blur.

[3] “FOURTH” EQUIPMENT AUTHORIZATION PROTOCOL. The Opposition suggested that ReconRobotics got its equipment authorization using measurements which required a 20 dB signal bandwidth (99% for the non-engineering laypeople reading this); however, that test protocol is for Part 15 devices and not Part 90 devices; accordingly, by Mr. Lazarus' own unknowing admission against the interests of his client, the emissions were improperly measured by the lab.

These are Part 90 transmitters and Part 90 licensees. Part 15 equipment certification protocols are entirely inappropriate, and given the harmonics involved with these transmissions and the sensitivity of typical amateur radio receivers, such a protocol would damage the value of the 70 cm band for other users. Furthermore, NTSC emissions which include a subcarrier – whether for audio or telecommand control – must measure the entire emission channel occupied and doing that will disqualify the Recon Scout device from equipment authorization using current protocols for NTSC transmitters. For all practical intents and purposes, the Recon Scout must meet the same emissions bandwidth requirements as an analog Low Power TV Broadcast Station; accordingly, Mr. Lazarus is again woefully out of his depth suggesting ARRL or this Petitioner are in error.

[4] COLLATERAL ATTACK & WAIVER ORDER. Petitioner did not concede collaterally attacking the waiver order of the Commission, but instead stated that to do so was appropriate. Just the same, Mr. Lazarus' own Opposition cited the very reason why the “Waiver” order was itself inappropriate: “The agency's discretion to proceed in difficult areas through general rules is intimately linked to the existence for a *safety valve procedure for consideration for an application for exemption*

based on special circumstances.” (Opposition at p. 4, Footnote 13.) Here the rules are very clear: ReconRobotics was granted an experimental license in violation of Section 5.51 of the Commission's rules and regulations, which prohibits experimentally licensing operations for which another licensed service is available. Subsection Q (Section 90.501, et seq.) of Part 90 of the Commission's rules specifically provides a vehicle for the direct licensing and rulemaking for devices such as the Recon Scout and would have eliminated the back-and-forth procedures in WT Docket No. 08-63, the Petitions to Deny, and the proceedings which followed. This provided the necessary relief ReconRobotics needed to get its Recon Scout device tested and marketed; accordingly, no “*safety valve procedure for consideration for an application for exemption*” discussed in the Court above was implicated, and the “Waiver” order was erroneously issued.

Petitioner recalls Mr. Lazarus' previous attacks against his filings when Petitioner suggested procedures required Petitioner to so act because developmental licensing was available. Petitioner so stated that fact because Section 1.17 of the Commission's rules require Petitioner to be both candid and truthful in his dealings with the Commission. Now, it should be patently obvious to Mr. Lazarus, the Commission, and others why this Petitioner previously discussed developmental licensing in this context: namely, that ReconRobotics obtained an errant experimental license, that ReconRobotics was advocating the licensing of transmitters to law enforcement agencies who could have their operations terminated due to interference as a critical operation was occurring, and, given the bandwidths of those transmitters, the operations themselves could not comport themselves within the tenor of the original 'waiver.' Now, Mr. Lazarus presumes that by suggesting a collateral attack against the 'waiver' would be appropriate, the Petitioner is conceding having done so, and that is not the case at all...Petitioner is underscoring the fact that the “Waiver” itself is illegally issued because the very safety valve basis for it doesn't exist.

[5] APPLICATION FOR REVIEW -vs.- PETITION FOR RECONSIDERATION. If the

Commission wishes to 'deem' Petitioner's Petition for Reconsideration – which is directed at the Commission – as an Application for Review, the Petitioner has no objection provided the Commission states its reasons therefor in the decision. Because I have doubts about the fairness of the decision-makers within the Commission's offices and bureaus, the Petitioner freely admits that Petitioner would prefer the Commission, en banc, take up and consider the Petition for Reconsideration-which it may do regardless of whether the Petitioner filed an Application for Review or not.

WHEREFORE, the foregoing considered, Petitioner undersigned respectfully requests the Commission rescind and reconsider its Order, 12-123, cancel each existing license it has previously granted under these proceedings, or alternatively redesignate the grants thereof as developmental pending further proceedings, and for such other and further relief as shall be consistent herewith.

Respectfully submitted:



13 MARCH 2012

JAMES EDWIN WHEDBEE, M.Ed., M.P.A.
Society of Broadcast Engineers #26971
PETITIONER

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CERTIFICATE OF SERVICE

THIS CERTIFIES that a true copy of the within and foregoing Petition for Reconsideration was e-mailed this 13th day of March, 2012, to:

Chairman Julius Genachowski
Federal Communications Commission
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Washington, DC 20554

Commissioner Robert McDowell
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Commissioner Mignon Clyburn
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Rick Kaplan, Chief
Wireless Telecommunications Bureau
Federal Communications Commission
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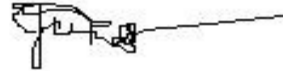
Deeana Jang, Esq.
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1300 North 17th Street, 11th Floor
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The Honorable Claire McCaskill
United States Senate
Washington, DC 20510

Respectfully submitted:



13 MARCH 2012

JAMES EDWIN WHEDBEE, M.Ed., M.P.A.
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Gladstone, Missouri 64119-2236
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EXHIBIT 'A' – 01 MARCH 2012 LICENSEES UNDER PETITION FOR RECONSIDERATION

File No. Application Date Filer

0004270113 City of Salina (filed 6/3/10; amended 8/24/10)

Petition to Deny Applications 8/4/2010 ARRL
Petition to Deny Applications for Cond. Authority 8/6/2010 Whedbee
Ex Parte Suggestion to Consolidate/Expedite 8/7/2010 Whedbee
Opposition to Petitions to Deny 8/16/2010 ReconRobotics
Reply to Opposition of ReconRobotics 8/16/2010 Whedbee
Tech Specs for Objecting Radio Station N0ECN 8/17/2010 Whedbee
First Amended Petition to Deny 8/25/2010 Whedbee
Reply to Opposition to Petition to Deny 9/1/2010 ARRL
Opposition to Amended Petitions to Deny 9/7/2010 ReconRobotics
Reply 9/7/2010 Whedbee

Petition for Declaratory Ruling 9/11/2010 Whedbee

Informal Request via § 1.41 of FCC Rules 2/26/2011 Whedbee

0004323710 Manatee County Sheriff's Office (filed 7/15/10; amended 8/25/10)

Petition to Deny Applications 8/4/2010 ARRL
Petition to Deny Applications for Cond. Authority 8/6/2010 Whedbee
Ex Parte Suggestion to Consolidate/Expedite 8/7/2010 Whedbee
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Opposition to Amended Petitions to Deny 9/7/2010 ReconRobotics
Reply 9/7/2010 Whedbee

Petition for Declaratory Ruling 9/11/2010 Whedbee

0004323903 Township of Hilltown (filed 7/15/10; amended 8/25/10)

Petition to Deny Applications 8/4/2010 ARRL
Petition to Deny Applications for Cond. Authority 8/6/2010 Whedbee

Ex Parte Suggestion to Consolidate/Expedite 8/7/2010 Whedbee
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Reply 9/7/2010 Whedbee

Petition for Declaratory Ruling 9/11/2010 Whedbee

0004323989 Berrien County Emergency Mgmt (filed 7/15/10)

Petition to Deny Applications 8/4/2010 ARRL
Petition to Deny Applications for Cond. Authority 8/6/2010 Whedbee
Ex Parte Suggestion to Consolidate/Expedite 8/7/2010 Whedbee
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Tech Specs for Objecting Radio Station N0ECN 8/17/2010 Whedbee
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Opposition to Amended Petitions to Deny 9/7/2010 ReconRobotics
Informal Request to Strike Oppositions per § 1.41 9/11/2010 Whedbee

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0004323990 Juneau Police Department (filed 7/19/10; amended 8/25/10)

Petition to Deny Applications 8/4/2010 ARRL
Petition to Deny Applications for Cond. Authority 8/6/2010 Whedbee
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Opposition to Amended Petitions to Deny 9/7/2010 ReconRobotics
Reply 9/7/2010 Whedbee

Petition for Declaratory Ruling 9/11/2010 Whedbee

0004327769 County of Allen (filed 7/19/10; amended 8/25/10)

Petition to Deny Applications 8/4/2010 ARRL
Petition to Deny Applications for Cond. Authority 8/6/2010 Whedbee
Ex Parte Suggestion to Consolidate/Expedite 8/7/2010 Whedbee
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Reply 9/7/2010 Whedbee

Petition for Declaratory Ruling 9/11/2010 Whedbee

0004327793 Waco Police Department (filed 7/19/10; amended 8/25/10)

Petition to Deny Applications 8/4/2010 ARRL
Petition to Deny Applications for Cond. Authority 8/6/2010 Whedbee
Ex Parte Suggestion to Consolidate/Expedite 8/7/2010 Whedbee
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Reply 9/7/2010 Whedbee

Petition for Declaratory Ruling 9/11/2010 Whedbee

0004327816 Grand Forks Police Department (filed 7/19/10; amended 8/25/10)

Petition to Deny Applications 8/4/2010 ARRL
Petition to Deny Applications for Cond. Authority 8/6/2010 Whedbee
Ex Parte Suggestion to Consolidate/Expedite 8/7/2010 Whedbee
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Opposition to Amended Petitions to Deny 9/7/2010 ReconRobotics
Reply 9/7/2010 Whedbee
Petition for Declaratory Ruling 9/11/2010 Whedbee
0004327954 La Porte County Sheriff's Office (filed 7/19/10; amended 8/25/10)
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Opposition to Amended Petitions to Deny 9/7/2010 ReconRobotics
Reply 9/7/2010 Whedbee
Petition for Declaratory Ruling 9/11/2010 Whedbee
0004329762 County of San Mateo (filed 7/20/10; amended 8/25/10)
Petition to Deny Applications 8/4/2010 ARRL
Petition to Deny Applications for Cond. Authority 8/6/2010 Whedbee
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0004329770 Placer County Sheriff's Office (filed 7/20/10; amended 8/25/10)
Petition to Deny Applications 8/4/2010 ARRL
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0004329788 Fishers Police Department (filed 7/20/10; amended 8/25/10)
Petition to Deny Applications 8/4/2010 ARRL
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0004329833 Topeka Police Department (filed 7/20/10; amended 8/25/10)
Petition to Deny Applications 8/4/2010 ARRL
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0004330231 City of Norfolk (filed 7/21/10; amended 8/25/10)
Petition to Deny Applications 8/4/2010 ARRL
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0004330276 Anaheim Police Dept. H/S Bureau (filed 7/21/10; amended 8/25/10)
Petition to Deny Applications 8/4/2010 ARRL
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0004330295 City of Sunnyvale (filed 7/21/10; amended 8/25/10)
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0004330345 City of Irwindale Police Department (filed 7/21/10; amended 8/25/10)
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0004330375 Tulsa Police Department (filed 7/21/10; amended 8/25/10)
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0004330395 City of Des Plaines P.D. (filed 7/21/10; amended 8/25/10)

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0004330433 Johnson County Sheriff's Office (filed 7/21/10; amended 8/25/10)

Petition to Deny Applications 8/4/2010 Whedbee
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Petition for Declaratory Ruling 9/11/2010 Whedbee

Informal Request via § 1.41 of FCC Rules 2/26/2011 Whedbee

0004330452 Rockland County Sheriff's Office (filed 7/21/10; amended 8/25/10)

Petition to Deny Applications 8/4/2010 ARRL
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0004330803 Williamson County Sheriff's Office (filed 7/21/10; amended 8/25/10)

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Petition for Declaratory Ruling 9/11/2010 Whedbee

0004330938 Bradenton Police Department (filed 7/21/10; amended 8/25/10)

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0004330952 Lakeland Police Department – SWAT (filed 7/21/10; amended 8/25/10)
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0004330988 Union County Sheriff's Office (filed 7/21/10; amended 8/25/10)
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0004331004 Lafayette Police Department (filed 7/21/10)
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 Informal Request to Strike Oppositions per § 1.41 9/11/2010 Whedbee
0004331029 Alachua County Sheriff's Office (filed 7/21/10; amended 8/25/10)
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0004331064 Seminole County Sheriff's Office (filed 7/21/10; amended 8/25/10)
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0004331678 Cook County Sheriff PD (filed 7/22/10; amended 8/25/10)

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0004331681 Mesquite Police Department (filed 7/22/10; amended 8/25/10)

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0004331692 City of Henderson (filed 7/22/10; amended 8/25/10)

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0004331714 Cedar Rapids Police Department (filed 7/22/10; amended 8/25/10)

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0004331737 St. Louis County Police Department (filed 7/22/10; amended 8/25/10)

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0004331812 Thibodaux Police Department *(filed 7/22/10; amended 8/25/10)*
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0004331906 Florence Police Department *(filed 7/22/10; amended 8/25/10)*
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0004331911 St. Clair County Sheriff's Office *(filed 7/22/10; amended 8/25/10)*
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0004331979 Buffalo Cty. Sheriff's Office *(filed 7/22/10; amended 8/25/10; amended again 8/3/11)*
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0004331982 Bryan Police Department *(filed 7/22/10; amended 8/25/10)*
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0004331984 Collier County Sheriff's Office (filed 7/22/10; amended 8/25/10)
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0004331991 Joliet City Police Department (filed 7/22/10; amended 8/25/10)
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0004331994 Eustis Police Department (filed 7/22/10; amended 8/25/10)
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0004332028 Otter Tail County Sheriff's Office (filed 7/22/10; amended 8/25/10)
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0004332058 Goodyear Police Department (filed 7/22/10; amended 8/25/10)

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0004333278 Riverside Police Department (filed 7/23/10; amended 8/25/10)

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0004333302 Calvert County Sheriff's Office (filed 7/23/10; amended 8/25/10)

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0004333316 Huntington Park Police Department (filed 7/23/10; amended 8/25/10)

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0004333336 Shasta County Sheriff's Office (filed 7/23/10; amended 8/25/10)

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0004333409 Volusia County Sheriff's Office (filed 7/23/10; amended 8/25/10)

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0004333431 New York Police Department – TARU (filed 7/23/10; amended 8/25/10)

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0004333448 Grand Prairie Police Department (filed 7/23/10; amended 8/25/10)

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0004333550 Glendale Police Department (filed 7/23/10; amended 8/25/10)

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0004333561 Town of Scarborough (filed 7/23/10; amended 8/25/10)

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0004333571 Rock Springs Fire Department (filed 7/23/10; amended 8/25/10)

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0004333579 City of Marietta (filed 7/23/10; amended 8/12/10; amended again 8/25/10)

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0004334593 Plymouth Police Department (filed 7/26/10; amended 8/25/10)

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0004334597 Allen County Sheriff's Department (filed 7/26/10; amended 8/25/10)

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0004336311 Sacramento County Sheriff's Office (filed 7/27/10; amended 8/25/10)

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0004336333 Chandler Police Department (filed 7/27/10; amended 8/25/10)

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0004336348 Natrona County Sheriff's Office (filed 7/27/10; amended 8/25/10)

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0004336417 Carbon County Sheriff's Department (filed 7/27/10; amended 8/25/10)

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0004337230 Pinellas County Sheriff's Office (filed 7/28/10; amended 8/25/10)

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0004337276 Cincinnati Police Department (filed 7/28/10; amended 8/25/10)

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0004341313 Texas Department of Public Safety (filed 8/2/10; amended 8/25/10)

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0004341325 State of Arizona (filed 8/2/10; amended 8/25/10)

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Informal Request pursuant to § 1.41 of FCC Rules 2/26/2011 Whedbee

0004341350 Anniston Police Department (filed 8/2/10; amended 8/25/10)

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0004344532 City of Wilson Police Department (filed 8/4/10; amended 8/25/10)

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0004344564 CA Dept. of Corrections/Rehabilitation (file 8/4/10; amended 8/25/10)

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0004345093 Miami-Dade Police Department (filed 8/5/10; amended 8/25/10)
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0004345125 Atlantic City Police Department (filed 8/5/10; amended 8/25/10)
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0004345139 Grand Rapids Police Department (filed 8/5/10; amended 8/25/10)
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0004345171 Memphis Police Department (filed 8/5/10; amended 8/25/10)
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0004346580 Charles County Sheriff's Office (filed 8/6/10; amended 8/25/10)
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0004346605 Reno Police Department (filed 8/6/10; amended 8/25/10)
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0004346626 Benton County Sheriff's Office (filed 8/6/10; amended 8/25/10)
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0004346678 Gilroy Police Department (filed 8/6/10; amended 8/25/10)
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0004346697 County of Hawaii (filed 8/6/10; amended 8/25/10)
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0004348020 Springfield Police Department (filed 8/9/10; amended 8/25/10)
 Informal Objection pending Petition to Deny 8/10/2010 Whedbee
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0004348657 County of San Bernardino (filed 8/9/10; amended 8/25/10)
 Informal Objection pending Petition to Deny 8/10/2010 Whedbee
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0004349756 St. Mary's County Sheriff's Office (filed 8/10/10; amended 8/25/10)
 Informal Objection pending Petition to Deny 8/11/2010 Whedbee
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0004349765 Larimer County Sheriff's Office (filed 8/10/10; amended 8/25/10)
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0004351768 State of Idaho (filed 8/12/10; amended 8/25/10)
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